

**DEPARTMENT OF HEALTH
NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupation Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 64 (Optometry) of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The purpose of the amendments is to implement regulations to establish minimum complete eye examination requirements, to require optometrists to maintain their patient records for seven years after last seeing a patient or the patient turning eighteen, to establish the minimum equipment an optometrist maintain in his or her practice, to establish contact lens prescription requirements including a one year expiration date, to adopt the code of ethics of the American Optometric Association, to require optometrists to clearly indicate their title or designation following their name in any advertisements, or written displays of their name in the District of Columbia, and to establish a one year expiration date on eyeglass prescriptions.

The following rulemaking action is proposed:

17 DCMR Chapter 64, OPTOMETRY, is amended as follows:

A new section 6409 is added to read as follows:

6409 MINIMUM COMPLETE EXAMINATION

6409.1 An optometrist shall maintain a record for each patient that accurately reflects the evaluation and treatment of the patient. These records shall be kept for seven (7) years after last seeing the patient or seven (7) years after a minor patient reaches eighteen (18) years of age.

6409.2 In the absence of good clinical reasons to the contrary as documented in the patient record, an optometrist shall perform the following minimum examination on each patient, record his or her findings in the patient record, and maintain the patient record as required in § 6409.1 of this chapter:

(a) Complete case history, including medical conditions and medications;

(b) Visual acuity including:

(1) Monocular and binocular; and

(2) Aided or unaided;

- (c) External examination, including pupil reactivity;
- (d) Internal examination;
- (e) Subjective refraction to test visual acuity at distance and near;
- (f) Measurement of binocularity and ocular motility;
- (g) Tonometry, on patients twelve and older or as needed in the professional opinion of the optometrist;
- (h) Documentation of treatment, diagnosis; recommendations and directions to the patients, including prescriptions; and
- (i) Documentation in the patient chart of the name of attending optometrist.

6409.3 In addition to the requirements set forth in § 6409.1, an optometrist may perform the following tests as part of a minimum examination:

- (a) Retinoscopy or equivalent; and
- (b) Color vision screening.

6409.4 In addition to the requirements set forth in § 6409.1, a contact lens examination, excluding a follow-up exam; shall include at a minimum the following:

- (a) Assessment of corneal curvature;
- (b) Assessment of acuity through the contact lens;
- (c) Directions for the care and handling of lenses and an explanation of the implications of contact lenses with regard to eye health and vision;
- (d) Assessment of contact lens fit; and
- (e) Documentation of contact lenses used in fitting procedures.

A new section 6410 is added to read as follows:

6410 MINIMUM EQUIPMENT LIST

6410.1 Each licensed optometrist owning or operating an optometry practice in the

District shall maintain in good working order the equipment necessary to provide a routine eye examination which shall include, but not be limited to, the following minimum equipment:

- (a) A device for the accurate measurement of visual acuity, distance and near;
- (b) A lensometer;
- (c) An instrument for examination of the internal structures of the eye;
- (d) A retinoscope or its equivalent;
- (e) An instrument for the measurement of intra-ocular pressure;
- (f) A refracting instrument or its equivalent;
- (g) An instrument for measurement of corneal curvature;
- (h) An instrument for the measurement of visual fields;
- (i) A biomicroscope; and
- (j) A color vision testing device.

6410.2 In addition to the requirements set forth in § 6410.1, the minimum equipment in an optometrist's office may also include a blood pressure measuring device.

A new Section 6413 is added to read as follows:

6413 CONTACT LENS PRESCRIPTIONS

6413.1 A contact lens prescription shall contain sufficient information for the complete and accurate filling of a prescription, including the following:

- (a) Name of the patient;
- (b) Date of the examination;
- (c) Issue date and expiration date of the prescription;
- (d) Name, license number, postal address, telephone number, facsimile telephone number, and original signature of the prescriber; and
- (e) Brand of lens, power, base, curve, and diameter;

6413.2 In the case of a private label contact lens, a contact lens prescription may also

contain the name of manufacturer, trade name of private label brand, and, if applicable, trade name of equivalent brand name by the same manufacturer, but sold under the labels of other sellers.

- 6413.3 A contact lens prescription may also include the diameter, axis, add power, cylinder, peripheral curve, optical zone, and center thickness and any additional information necessary in order that the prescription be accurately filled.
- 6413.4 A contact lens prescription shall be given to the patient after the completion of the contact lens fitting whether or not it is requested by the patient, or at the time of the examination if the person is an established patient where no change in the prescription was made.
- 6413.5 A prescriber shall, as directed by any person designated to act on behalf of the patient, provide or verify the contact lens prescription.
- 6413.6 A contact lens prescription shall expire one (1) year after the issue date unless there is a medical reason that warrants a prescription for less than one (1) year. The medical reasons for issuing a prescription for less than one year shall be documented in the patient's medical record.
- 6413.7 The issue date on a contact lens prescription shall be the date of the examination.
- 6413.8 A prescriber may require payment of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but only if the prescriber requires immediate payment in the case of an examination that reveals no requirement for ophthalmic goods. Presentation of proof of insurance coverage for that service shall be deemed to be a payment.
- 6413.9 When specialty or custom-made contact lenses are necessary to complete the fitting process, the prescriber may charge patients an additional fee for such lenses as part of the cost of the fitting process and as such may condition the release of a contact lens prescription on payment of the fitting fee.
- 6413.10 A prescriber shall not:
- (a) Require purchase of contact lenses from the prescriber or from another person as a condition of providing a copy of the prescription;
 - (b) Require a payment in addition to, or as part of, the fee for an eye examination, fitting, and evaluation as a condition of providing a copy of a prescription or verification of a prescription; or
 - (c) Require the patient to sign a waiver or release as a condition of verifying or releasing a prescription.

A new section 6414 is added to read as follows:

6414 STANDARDS OF CONDUCT

6414.1 Any holder of a license under this Chapter or any person authorized to practice optometry under this Chapter shall comply with the standards of ethical and professional conduct established by the American Optometric Association in its publication entitled "Code of Ethics," as it may be amended or republished from time to time.

A new section 6415 is added to read as follows:

6415 DISPLAY OF NAME

6415.1 An optometrist licensed under the Act shall include the designation "O.D."; "Optometrist"; or "Doctor of Optometry" following his or her name in any advertisement, or written display of his or her name in the District of Columbia.

A new section 6416 is added to read as follows:

6416 EYEGLASS PRESCRIPTION EXPIRATION PERIOD

6416 An eyeglass prescription shall expire one (1) year after the issue date unless there is a medical reason that warrants a prescription for less than one (1) year. The medical reasons for issuing a prescription for less than one year shall be documented in the patient's medical record.

Section 6499.1 is amended as follows:

The following terms with the ascribed meanings are added as follows:

Contact Lens Fitting— the process that begins after the initial eye examination and ends when a successful fit has been achieved as determined by the examining optometrist or ophthalmologist. In the case of a renewal prescription, the fitting ends when the prescriber determines that no change in the existing prescription is required or a new fitting is completed after medically necessary follow-up examinations.

Private label contact lenses— contact lenses that are sold under the label of a seller where the contact lenses are identical to lenses made by the same manufacturer but sold under the labels of other sellers.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this

notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

MAYOR OF THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED RULEMAKING**

The Mayor of the District of Columbia pursuant to section 502 of the Revenue Act for Fiscal Year 1978 ("Revenue Act"), effective April 19, 1977 (D.C. Law 1-124, D.C. Official Code § 5-416) hereby gives notice of the intent to adopt the following amendments to subsections 525.1, 525.2 and 525.3 of Title 29 of the District of Columbia Municipal Regulations (DCMR).

Section 3004 of Title III(B) of the Fiscal Year 2009 Budget Support Emergency Act of 2008, ("Ambulance Fee Emergency Act"), effective July 28, 2008 (D.C. Law 17-0468; 55 DCR 8746) repealed the final rules amending section 525.1 of 29 DCMR, effective March 21, 2008 (55 DCR 2948) and April 18, 2008 (55 DCR 4373), respectively. Further, pursuant to section 3006 of the Ambulance Fee Emergency Act of 2008, the Mayor was required to "explore all reasonable options for billing Medicaid and Medicare for costs of ambulance services" and provides that if the attempts to obtain revenue through these sources were insufficient to generate an additional \$3.5 million per annum during fiscal years 2009 and 2010, the Mayor shall issue rules pursuant to section 502 of the Revenue Act, to increase ambulance fees effective October 1, 2008 to an amount sufficient to meet this specified revenue target. The Mayor is required to submit these proposed rules to the Council not later than September 15, 2008 for approval.

Pursuant to these requirements, the Mayor directed the District of Columbia Fire & Emergency Medical Services Department (Fire & EMS) to perform a comprehensive fiscal analysis of the costs associated with providing ambulance services to Medicaid and Medicare patients. This cost analysis was conducted in conjunction with the DC Department of Health, Medical Assistance Administration, and the federal Centers for Medicare & Medicaid Services. Projections indicate that a Medicaid and Medicare cost adjustment will not result in an increase in revenue sufficient to meet the \$3.5 million target. Therefore, the Mayor submits these proposed rules based on the projected costs associated with providing emergency ambulance services during Fiscal Years 2009-10.

District residents who are Medicare beneficiaries, and are not covered by any other secondary health insurance program, will no longer be billed nor have any personal financial responsibility for any portion of ambulance transportation charges not completely covered by Medicare.

The comment period for the proposed rules has been abbreviated to 10 days to allow the rules to become effective on October 1, 2008 as required by section 3006 of the Ambulance Fee Emergency Act. The proposed rules could not have been published earlier because of the requirement that the Mayor first explore other sources of raising needed revenue through Medicaid and Medicare billing.

Pursuant to Section 3006 of the Ambulance Fee Emergency Act, the proposed rulemaking has been transmitted to the Council of the District of Columbia for approval.

The proposed rules will not become effective until approved by the Council, but in no event before September 29, 2008, which is the end of the comment period.

Subsection 525.1 of Title 29 DCMR is amended as follows:

525.1 Effective October 1, 2008, the following fees are hereby established for emergency ambulance life support service, and for the transportation of a person in a District of Columbia Fire and Emergency Medical Services Department emergency ambulance vehicle:

(a) Basic Life Support (BLS) Unit Transportation Fee: A fee of four hundred twenty eight dollars (\$428) shall be charged for the transportation of each person in any ambulance staffed by an Emergency Medical Technician, an Emergency Medical Technician/Driver or a Paramedic who administers basic life support to the person or persons being transported;

(b) Advanced Life Support (ALS) Unit Transportation Fee: A fee of five hundred eight dollars (\$508) shall be charged for the transportation of each person in any ambulance staffed by a Paramedic if advanced life support is actually administered to the person being transported;

(c) Advanced Life Support- Level 2 (ALS2) Unit Transportation Fee: A fee of seven hundred thirty five dollars (\$735) shall be charged for the transportation of each person by ground ambulance vehicle requiring the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below:

1. Manual defibrillation/cardioversion;
2. Endotracheal intubation;
3. Central venous line;
4. Cardiac pacing;
5. Chest decompression;
6. Surgical airway; or
7. Intraosseous line; and

(d) Total Mileage Transportation Fee: A fee of six dollars and fifty five cents (\$6.55) per mile traveled, or any fraction thereof, shall be charged to each patient transported in any of the above noted methods.

Subsection 525.2 of Title 29 DCMR is amended to include:

- 525.2 (d) The Department shall not bill nor hold financially responsible, any District resident that is a Medicare beneficiary not covered by any other secondary health insurance program for any out of pocket expenses, including co-payments, deductibles and co-insurance.

Subsection 525.3 of Title 29 DCMR is amended as follows:

- 525.3 Any person transported shall remain personally liable for any fee or portion of a fee not covered by any of the exceptions listed in § 525.2.

Persons wishing to submit written comments on these proposed rules should submit their comments by September 29, 2008 to: Fire & Emergency Medical Services Department, Government of the District of Columbia, 1923 Vermont Ave., NW, Washington, DC 20004, attn: Martin Hamlette, Administrator. Copies of these proposed rules may be obtained from this Office.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the D.C. Department of Transportation pursuant to the authority set forth in sections 5(4) and 6(b) and (c) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137, D.C. Official Code § 50-921.04 and § 50-921.05(b) and (c)) and sections 603 and 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code §§ 10-1141.03 and 10-1141.04)) and Mayor's Order 96-175, (December 9, 1996), gives notice of his intent to adopt the following rules to add a new section to chapter 12 of Title 24 of the District of Columbia Municipal Regulations in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The proposed rules will establish the District Department of Transportation's policies and procedures to obtain a public space permit to authorize a curb cut across public space to construct a driveway.

Title 24 DCMR, Chapter 12 is amended by adding new sections 1201, 1202, and 1203 to read as follows:

1201 CURB CUTS AND DRIVEWAYS

- 1201.1 No person shall make a curb cut in, demolish, repair or construct a driveway across the public space without first obtaining a public space permit from the Department of Transportation.
- 1201.2 The Director shall only approve a public space permit for a curb cut when there is alley access to the property unless the applicant for the permit complies with subsection 1201.4.
- 1201.3 The Director shall only approve a public space permit for a curb cut when there is potential access to an expanded alley network unless the applicant for the permit complies with subsection 1201.4.
- 1201.4 The Director may grant a public space permit for a curb cut when the applicant for the permit submits to the Director information that demonstrates that there is no alternative way to access on-site parking or a loading dock through existing or proposed paved alleys, or there is a special need as provided in section 1202.
- 1201.5 A property owner shall obtain a new public space permit for the curb cut to continue use of an existing curb cut or driveway when any of the activities listed in subsection 1201.6 occur on the property.
- 1201.6 The public space permit expires when the activities listed below occur on the property:

- (a) There is new construction;
- (b) The principal building on the property is razed or partially razed; or
- (c) Substantial improvements, in excess of fifty percent (50%) of the building's value, are made to the principal building.

1201.7 If the Director does not issue a public space permit for a curb cut or driveway to an owner, and there is an existing curb cut or driveway the owner of the property shall at the owner's expense remove the curb cut, driveway, or parking pad and restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.

1201.8 The Director may approve a permit for double curb cuts to construct a circular driveway if the applicant proves a compelling need for a one-way circulation of motor vehicles. A compelling need may include a special need as provided in section 1202.

1201.9 If approval of the activity is required to be approved by the Fine Arts Commission or the Historic Preservation Review Board, the applicant for a curb cut permit shall submit those approvals with the public space permit application.

1201.10 The Director shall issue a public space permit for the curb cut after the permit application is approved and all permit fees and deposits have been paid by the applicant.

1201.11 The curb cut permittee shall construct the curb cut and associated driveway in compliance with current DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.

1201.12 No person shall park any vehicle so that the vehicle protrudes in whole or in part into the public space, a public sidewalk, or public alley.

1201.13 The owner of property abutting a curb cut shall repair, at the property owner's expense, any damage to public space caused by the use or construction of an abutting curb cut, driveway, or parking pad.

1202 SPECIAL NEEDS

1202.1 An applicant has a special need if the applicant is the owner of the abutting property and the applicant meets the requirements for a reserved parking space contained in 18 DCMR 2710.1 (a)-(d).

- 1202.2 Public space permits issued for a special need shall expire upon the sale of the property.
- 1202.3 Prior to the issuance of a public space permit for a special need, a covenant of maintenance agreement shall be attached to the deed for the property stating that upon the sale of the property, any curb cut, driveway or parking pad authorized by this permit and located on public space be removed and the public space restored.
- 1202.4 Upon the sale of the property, any curb cut, driveway or parking pad located on public space pursuant to a special need shall be removed and the public space restored in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1202.5 The responsibility to obtain a public space permit for the restoration of public space pursuant to subsection 1202.4 and the cost of the restoration shall be borne by the seller of the property, unless the buyer agrees to obtain the public space permit and bear the cost instead.

1203 PERMIT REVOCATION

- 1203.1 The Director may revoke a permit for a curb cut or driveway on or across public space at any time.
- 1203.2 Upon revocation of the permit, the owner of the property, at the property owners expense, shall remove the driveway and restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.
- 1203.3 A property owner, at the property owner's expense, shall remove any curb cut or driveway that is not authorized by the Director and the property owner shall restore the public space in accordance with the current standards of the DDOT Design and Engineering Manual and Standard Specifications for Highways and Structures.

24 DCMR, section 1299 is amended to add the following new definitions to read as follows:

Driveway – A strip of concrete or other Department of Transportation approved material designed to enable vehicular conveyance from a public roadway or alley to a parking pad, garage or loading dock on private property.

Curb Cut – A break in the roadway that allows access to a driveway leading to a parking pad, garage or loading dock.

Public Space – All the publicly owned property between the adjacent property lines on a street right-of-way and, if applicable, extended to the adjacent building restriction line on private property, including, but not limited to, the roadway, tree spaces, sidewalks and alleys.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Alice Kelly, Program Manager, Public Space Branch, District Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009. Comments may also be sent electronically to alice.kelly@dc.gov. Copies of this proposal are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the Department of Transportation, pursuant to the authority of sections 3(b), 5(4)(A), 6(b), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(4)(A), 50-921.05(b), and 50-921.06), Mayor's Order 2008-116 (August 20, 2008), Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1996 (D.C. Law 11-198, D.C. Official Code § 10-1141.04) and Mayor's Order 96-175 (December 9, 1996), hereby gives notice of the intent to amend Title 24, DCMR Chapter 33, Public Right-Of-Way Occupancy Permits by adding a new section. The proposed amendments add a new Section 3312 entitled "Mobile Storage Containers," which establishes the general provisions governing the issuance of permits to occupy public space to mobile storage container providers and their customers; and amend Section 3399 entitled "Definitions".

The purpose of this rulemaking is to regulate use and placement of mobile storage containers in the District of Columbia and to require annual permits for the placement of mobile storage containers on public space by the mobile storage providers and address specific location permits for their customers, with fees

A notice of proposed rulemaking on this issue was published in the D.C. Register on May 25, 2007 at 54 DCR 5325. This amendment was revised in response to comments received by the public.

Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of the notice in the D.C. Register.

TITLE 24 DCMR, Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS is amended as follows:

By adding a new section 3312 to read as follows:

3312 MOBILE STORAGE CONTAINERS

3312.1 No person shall place in the public right-of-way a mobile storage container without a public space permit issued by the Director of the District of Columbia Department of Transportation.

3312.2 A mobile storage container provider shall submit to the Director of the District of Columbia Department of Transportation an application for an annual permit to use public space together with a

one hundred dollar (\$100) fee. With the application, the mobile storage container provider shall also provide proof of insurance as outlined in subsections 3312.3 and 3312.4 and a copy of its current, valid business license.

3312.3 A permitted mobile storage container provider shall maintain throughout the term of the permit an insurance policy or policies covering all operations of the permittee's mobile storage container business. Failure to maintain the required insurance shall be a violation of the terms of the permit.

3312.4 Each permitted mobile storage container provider shall obtain a public liability insurance policy made out in the name of, and for the sole benefit of the District of Columbia, a municipal corporation, and its officers and employees, covering all use of public space. The insurance policy shall contain coverage in the following amounts:

\$500,000.00	Each individual
\$1,000,000.00	Each accident
\$500,000.00	Property damage

3312.5 A mobile storage container provider who has obtained a permit shall do the following:

(a) Post on the outside of the mobile storage container a copy of the public space permit issued to the mobile storage container provider or clearly display the name of the mobile storage container provider on the outside of the mobile storage container;

(b) Place the mobile storage container in the parking lane of the roadway parallel with the edge of the roadway in front of the property owned or leased by the person renting the mobile storage container, or the nearest adjacent location;

(c) Mark the exterior, traffic facing side of the mobile storage container with reflective material;

(d) Keep the mobile storage container completely covered and sealed during transport; and

(e) Keep the exterior of the mobile storage container clean and free of graffiti.

- 3312.6 No mobile storage container provider shall place a mobile storage container in the following manner:
- (a) Beyond, atop, or partially resting upon the curb of the roadway;
 - (b) In the tree box area;
 - (c) On the sidewalk or across the sidewalk;
 - (d) In violation of rush hour, street sweeping, building entrance or any other parking restrictions, except the residential permit parking restrictions; and
 - (e) At a parking meter, unless the person renting the mobile storage container has provided proof of meter fee payment tendered to the Director of the Department of Transportation pursuant to subsection 3312.13 and a copy of the public space permit for the address specific location issued by the Director of the District of Columbia Department of Transportation pursuant to subsection 3312.9.
- 3312.8 The Director of the District of Columbia Department of Transportation may revoke an annual public space permit issued to a mobile storage container provider for the following reasons:
- (a) The mobile storage container provider violates a provision of subsections 3312.2 through 3312.6 or the public space permit issued to the provider;
 - (b) The mobile storage container provider fails to pay the applicable fees; or
 - (c) Public safety and welfare.
- 3312.9 No person shall rent for the placement or otherwise cause to be placed on the public right-of-way a mobile storage container without a public space permit that is address specific to the location and issued by the Director of the District of Columbia Department of Transportation.
- 3312.10 At least 72 hours prior to the placement of mobile storage containers on the public right-of-way, the person renting such containers shall submit to the Director of the District of Columbia Department of Transportation an application for each address specific location to be occupied by the mobile storage containers.

- 3312.11 The person who rents the mobile storage container shall pay a public space permit fee of fifty dollars (\$50) to rent space at a location in front of or adjacent to the address specific location. The total public space area occupied by mobile storage containers for any location shall not exceed the following dimensions, unless the fee provided in subsection 3312.12 is paid:
- (a) Width of eight feet;
 - (b) Length of twelve feet; and
 - (c) Height of eight feet
- 3312.12 For each additional six (6) feet of length of public right-of-way or portion thereof occupied by the mobile storage containers an additional permit fee of twenty-five dollars (\$25) shall be paid.
- 3312.13 An additional fee shall be charged to compensate the District of Columbia Department of Transportation for the revenue lost due to the occupancy of the public right-of-way by mobile storage containers placed at a parking meter.
- 3312.14 No person shall leave any mobile storage container in the public right-of-way for longer than five (5) days.
- 3312.15 A mobile storage container renter who has obtained a permit to occupy public space shall do the following:
- (a) Post Emergency No Parking signs at the address specific location designated for the mobile storage containers at least 72 hours prior to the placement of the mobile storage containers at the location; and
 - (b) Post on the outside of the mobile storage container a copy of the public space permit for the address specific location.
- 3312.17 The Director of the District of Columbia Department of Transportation may revoke a public space permit issued for an address specific location for the following reasons:
- (a) The permittee violates a provision of subsections 3312.10 through 3312.15 or the public space permit for the address specific location;

- (b) The permittee fails to pay the applicable fees; or
- (c) Public safety and welfare.

Section 3399 is amended as follows:

Add the following new definitions:

Mobile Storage Container - a moveable container that is temporarily placed on the public right-of-way and is used for short-term storage of items, including but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise.

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Karina Ricks, Associate Director, District of Columbia Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009. Comments may also be sent electronically to publicspace.committee@dc.gov. Copies of this proposal are available, at cost, by writing to the above address and are also available electronically on the Department web site at ddot.dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, hereby gives notice of its intention to amend Chapter 41 of the Water and Sanitation Regulations to expand the Customer Assistance Program (CAP) to retail sewer service.

The Board expressed its intention to expand the CAP to retail sewer service and revise the CAP regulations at its regularly scheduled Board meeting held September 4, 2008 pursuant to Board Resolution # 08-77. Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D. C. Register*.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C., 20032.

In addition, the Board will also receive comments on these proposed rates at a public hearing to be held at a later date.

I. Timing of Final Action on Proposed Rulemaking

No final action will be taken on the Rulemaking Proposal described in this notice until after each of the following events has occurred:

1. A public hearing is held to receive comments on the proposed rulemaking. A hearing date will be determined at a later date, and will be published in the District of Columbia Register.
2. The public comment period on this rulemaking expires; and
3. The Board of Directors takes final action after public comments are considered.

II. Rulemaking Proposal

The following rulemaking action is proposed:

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4102 CUSTOMER ASSISTANCE PROGRAM, subsection 4102.1 is amended to read as follows:

CHAPTER 41 RETAIL WATER AND SEWER RATES

4102 CUSTOMER ASSISTANCE PROGRAM

4102.1 LIFELINE PROGRAM FOR HOUSEHOLDS AND TENANTS

- (a) Eligible households and tenants will receive an exemption from water service charges and sewer service charges of the first Four Hundred Cubic Feet (4 CCF) per month, of water consumption.
- (b) Participation in the Lifeline Program is limited to single-family owner-occupied primary residential accounts and individually metered tenant accounts.
- (c) Eligibility is determined by the District of Columbia Energy Office (DCEO), and will be based upon the following DCEO Low Income Home Energy Assistance Program (LIHEAP) Federal income guidelines, as periodically updated:

Household Size	Household Annual Income
1	\$13,470
2	\$18,180
3	\$22,890
4	\$27,600
5	\$32,310
6	\$37,020
7	\$41,730
8	\$46,480

For households with more than eight members, an additional \$4,710 will be added to the Household annual income for each additional member.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 08-05

(Text Amendment – 11 DCMR)

(Amendments to DD Regulations to facilitate construction of Convention Center Hotel)

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend §§ 1700.7, 1706.11, and 2405.3 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendments will facilitate construction of the planned convention center headquarters hotel at Square 370. The amendments remove the residential use requirement of the DD Regulations, and allow additional density through the Planned Unit Development process on that square without the need to meet the otherwise applicable standard.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed (new text is shown **bolded** and underlined, deleted text is shown in ~~striketrough~~):

A. Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT, is amended as follows:

1. By amending § 1700, General Provisions, § 1700.7, to read as follows:

1700.7 A Planned Unit Development (PUD) in the DD Overlay District shall be subject to the following provisions in addition to those of chapter 24 of this title:

...

(d) Notwithstanding paragraphs (b) and (c) of this subsection, if a PUD is proposed to govern **the following, the PUD shall be guided by the applicable policies of the Comprehensive Plan pertaining to the development of:** ~~development of the University of the District of Columbia campus and other uses in Squares 401, 402, 425, and 426, the PUD shall be guided by the applicable policies of the Comprehensive Plan.~~

- 1) **The University of the District of Columbia campus and other uses in Squares 401, 402, 425, and 426,**
and
- 2) **A convention center headquarters hotel on square 370.**

Z.C. NOTICE OF PROPOSED RULEMAKING

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2. By amending § 1706, Residential and Mixed Use Development, § 1706.11 to read as follows:
- 1706.11 No minimum residential use requirement shall apply to the following: in Square 485 nor to any lot or lots in Square 455 or the southern part of Square 454 improved with a sports arena.
- (a) Square 485;
- (b) Any lot or lots in Square 455 or the southern part of Square 454 improved with a sports arena; and
- (c) Any portion of Square 370 improved with a convention center headquarters hotel.
- B. Chapter 24, PLANNED UNIT DEVELOPMENT PROCEDURES, Section 2405 PUD Standards, § 2405.3, is amended to read as follows:
- 2405.3 The Commission may authorize the following an increase increases; provided, that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter, or with respect to FAR, is for the purpose of a convention headquarters hotel on square 370; ~~of not more than five percent (5%) in the maximum height or floor area ratio provided, that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter.~~
- (a) not more than five percent (5%) in the maximum height; or
- (b) not more than five percent (5%) in the maximum floor area ratio.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 08-12

(Text Amendment – 11 DCMR)

**(Map Amendments to Rezone of Portions of Ward 8
from the R-5-A Zone to R-2, R-3, or R-4 Zones)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01), hereby gives notice of its intent to amend the Zoning Map that is incorporated in the Zoning Regulations (Title 11 DCMR).

The proposed map amendment rezones portions of Ward 8 from the R-5-A Zone District to the R-2, R-3, or R4 Zone Districts.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

Square	Lots	Proposed Zone District
5724 (all)	801	R-2
5761 (part)	15, 16, 40, 41, 800-803	R-2
5763 (part)	806-840, and parcel 219/0142	R-2
5898 (part)	33-42, 45-48, and 55-95	R-2
5899 (all)	16-20, and 24-87	R-2
5900 (part)	30-61, 64-120, and 807	R-2
5920 (part)	70-92, 106-144, and 146-195	R-2
5928 (part)	43-63, 65-90, and 92-119	R-2
5935 (all)	10-21	R-2
5936 (part)	26-48	R-2
5937 (part)	27, 29-34, 38-49, 53-58, 800, 805-808, 810, 811, 822, and 825-826	R-2
5938 (all)	66-78, 86-96, 804, 814, 831-833, 836-838, 840, 842-846, and 848-860	R-2
5939 (all)	13, 14, 75, and 801-804	R-2
5941 (all)	10, and 801-805	R-2
5942 (all)	31, 33, 36, 816-822, and 824-826	R-2
5943 (all)	11, 31-35, 812, 814, 816, 819-821, and 823-828	R-2
5944 (all)	7, 30-37, and 810-813	R-2
5945 (all)	4-7, 25-31, 804, 806, 808, 810, 812, and 813	R-2

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Z.C. CASE NO. 08-12

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Square	Lots	Proposed Zone District
5946 (all)	2-9, 16-43, 48-77, 803, 805, 826, 827, and 832	R-2
5957 (part)	16-26, 40-42, 45-63, 67, and 70-98	R-2
5973 (part)	17, and R5A portions of lots 18-20 (these properties are split zoned)	R-2
6093 (part)	1-3, 57-59, 61, 62, 803, 808, and 812	R-2
6094 (part)	3, 4, 31-33, 37-42, 44, and 803	R-2
6118 (part)	5-7, 44, and 9-21	R-2
6119 (part)	2, and 17-20	R-2
6149 (part)	18-27, 40-45, 49, 50, 801, and 802	R-2
6162 (all)	810 and 811	R-2
6163 (all)	32-41, 45, 46, 54-90, 126, 127, 802, 806, 808-817, 828, and 829	R-2
6164 (all)	42-78, 88-97, 124, 823, and 824	R-2
6165 (all)	21-30, 37-40, 43-51, 57, 59, 804-809, and 2001-2008	R-2
6166 (all)	1-4, 11-20, 39, 40, 42-46, 800, and 802-806	R-2
6167 (part)	12-21, 34-42, 52, 53, 800, 801, and 804-806	R-2
6168 (part)	3, 34-36, 41-44, 821, 825-830, 833, 834, 840, and 842-844	R-2
6239 (part)	57-68, 70-72, 74-76, 78-94, 803, 804, 2005-2014	R-2
6239 S (part)	1-4, 6, 9-13, 15, 16, 19-24, 27-29, 34-36, 2001-2008, and 2019-2028	R-2
6240 (part)	65-69, 54-63, and 815	R-2
5726 (part)	27-42	R-3
5727 (all)	4, 5, 43-49, 64-70, 73, 74, 78-83, 92-97, 136, 149-198, 806, 811, 813, 814, and 816	R-3
5728 (part)	17-46, and 50-57	R-3
5729 (all)	39-43, 47, 48, 50-59, and 2001-2004	R-3
5729 W (all)	1-8, 12, and 800-805	R-3
5730 (part)	47, 48, 150, 175-185, 196-199, 200, 201, and 920	R-3
5734 (part)	4-8, 33-36, 803, 811-813, 815, 819, and 820	R-3
5740 (part)	193-197, 201-207, 215-218, 224-231, 235-244, 247-248, 250-253, 256-269, 272, 277-294, 298-304, 309-333, 335-348, 829, 833, 842, and 852	R-3
5755 (part)	26, 27, 38-43, 46-57, 121, 128-137, 140-151, 817, 826, and 835	R-3
5777 (part)	533, 534, 628-630, 711, 805, 806, 809, 810, 824, and 1024	R-3
5778 (part)	82-86, 160, 816, 819, 820, 822, 824, 825, 831-834, 836, 838, and 842	R-3
5824 (all)	51-60, 803, and 804	R-3

Z.C. NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 08-12

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Square	Lots	Proposed Zone District
5842 (part)	15-21	R-3
5844 (part)	6, 7, 20, and 24-35	R-3
5892 (all)	2-21, 42-114, 120, and 125	R-3
5895 (part)	1-20, 35-46, and 49-56	R-3
5901 (part)	26-29	R-3
5920 (part)	70-92	R-3
5921 (part)	802-833, 835-906, and 919-936	R-3
5922 (all)	92-154	R-3
5923 (all)	12-58	R-3
5981 (all)	1-8	R-3
5982 (all)	1-9, 20, and 22-38	R-3
5983 (part)	12, 22-31, 40, 41, 43-50, 808, 811, 815, 816, and 2001-2004	R-3
5984 (part)	11-19, 23, 31-38, 41-50, and 800-804	R-3
5985 (all)	15-26, 35-50, 812, 813, 815, 817, 818, 820, 821, 823, and 824	R-3
5994 (all)	4-48, and 801	R-3
5995 (all)	1, 4, 5, 23-27, 32, 33, 37-70, and 802-805	R-3
5996 (all)	1, 2, 5-12, 23-26, 34-48, 50-54 802, 805, and 806	R-3
5997 (all)	2, 9, 23-36, 39-50 and 801-803, and 805-811	R-3
5998 (all)	801-850	R-3
5999 (all)	2-5, 14, 15, 19-26, 28, 30-41, 805, and 806	R-3
6000 (all)	5-8, 10-24, and 810	R-3
6001 (part)	2-32, 36-45, 50-57, 59, 803, 806, 808-810, 819, and 820	R-3
6116 (all)	1-3, 8, 26-29, 37, 38, 44-52, 55-65, 806, 809, 801, 811, and 813-820	R-3
6117 (part)	1-10, 40-50, 53-57, 809, 812, and 813	R-3
6125 (part)	1-18, and 2001-2005	R-3
6126 (part)	1-29, 31-62, 65, 803, and 2001-2005	R-3
6128 (part)	25, 26, 53-55, 63, 64, 70-73, 77, 808, 813, 815, 816, 818, 822-824, 825-829, and 832-834	R-3
6128N (part)	36, 37, 42-52, 54, 55, 803, 804, and 807	R-3
6129 (part)	60-63, 71, 83, 84, 800-802, 814-818, 821, 823, 824, and 2001-2005	R-3
6151 (part)	10, 11, 23, 36-41, 803-806, 809, and 811-814	R-3
6153 (all)	3-6, 19, 22-25, 34-40, 60, 63, 64, 70, 72, 73, 78, 79, 802, 804-809, 815,	R-3

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Square	Lots	Proposed Zone District
	and 2001-2005	
6154 (all)	27, 38-43, 46-49, 64, 69, 803, 805, 809, 811-817, 2001-2028	R-3
6208 (part)	36-44, 47-58, 806, 830, and 831	R-3
6209 (all)	1-18, and 28-31	R-3
6210 (part)	824, 825, 837, and 838	R-3
6211 (all)	1-49	R-3
6212 (all)	1-61	R-3
6213 (all)	1-20	R-3
6249 (part)	801-815, and 887	R-3
6250 (all)	1-16, 19-41, and 803	R-3
6254 (part)	4-27	R-3
6271 (part)	17-26	R-3
6277 (all)	1-36	R-3
5786 (all)	21-24, 28-36, 800, and 801	R-4
5787 (all)	30-41, 808, 812, and pcl 231/0019	R-4
5788 (part)	8-15, 69, and 817	R-4
5790 (part)	15, 16, 21-24, 29-31, 36-38, 801, 802, 821, and 822	R-4
5812 (part)	9, 10, 13-22, 105-116, 800, 805-807, and 2001-2024	R-4
5905 (all)	1-99	R-4
5924 (part)	2-10, 106-112, 125-128, and 133-140	R-4
6123 (part)	1, 2, 13-19, 59-66, 68-73, and 801	R-4
6157 (part)	52, 74, 806, 821, 834-836, and 838-844	R-4
6158 (part)	2-9, 64-79, 81-92, 805, 808, 809, and 810	R-4
6159 (all)	99, 112-122, 128, 129, 805-808, 810-813, 815-899, 932-991, and 993	R-4
6160 (all)	72-83, 86, 87, 89, 872, and 873	R-4

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.